

Remarks

Applicants have amended Claims 1, 3, 4 and 8 and have added new Claim 17. Applicants respectfully submit no new matter has been added by the present amendment. Support for the amendment can be found generally throughout the text, specifically at page 31, lines 3-5.

Claim Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicants regard as the invention.

Applicants have amended Claims 1 and 4 as requested in the Office Action. Applicants also amended Claim 3 to provide proper antecedent basis for "polar monomers" and have amended Claim 8 to delete the limitation recited in the Office Action.

Therefore, Applicants submit the present claims meet the requires of 112, second paragraph and accordingly Applicants request withdrawal of this ground of rejection.

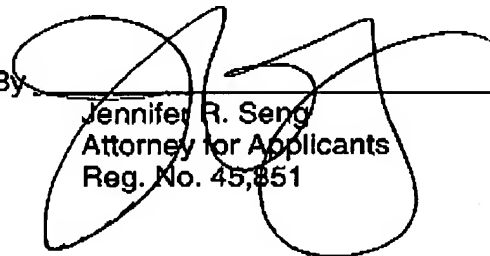
Double Patenting

Claims 1, 2, 4 and 8 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 8, 10, 12, 15-18, 21-23, 25 and 26 in co-pending Application No. 10/667,711. Applicants traverse this rejection

Applicants submit both the present application and Application No. 10/667,711 are pending. Allowable subject matter, notwithstanding the provisional obviousness-type double patenting rejection, has not been indicated in either application. Where a provisional rejection under the judicially created doctrine of obviousness-double patent is named between two applications, MPEP § 104(I)(B) PO-7800

states that "if the 'provisional' double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the provisional rejection in the other application in a double patenting rejection at the time the one application issues as a patent." Therefore, it is not evident which of the pending applications will become allowable first, and any action by Applicants with this regard is premature.

Respectfully submitted,

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